

**ASSEMBLY BILL**

**No. 1563**

**Introduced by Assembly Member Battin**

February 26, 1999

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An act to add Section 2800.4 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1563, as introduced, Battin. Vehicles: crimes: failure to stop.

(1) Existing law makes it a misdemeanor for any driver to willfully flee or otherwise attempt to elude a pursuing peace officer's motor vehicle if certain conditions exist.

This bill would make it a felony, punishable by imprisonment in the state prison for 3, 4, or 5 years, for a person operating a motor vehicle to fail to stop that vehicle when certain conditions exist, including that the person continues driving for not less than one minute past the time when, or the person continues driving for not less than one mile past the point where, he or she knew or reasonably should have known that he or she was being pursued by a peace officer.

The bill would thus impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2800.4 is added to the Vehicle  
2 Code, to read:

3 2800.4. A person is guilty of a felony, punishable by  
4 imprisonment in the state prison for a term of three, four,  
5 or five years, if the person is operating a motor vehicle  
6 and fails to stop that vehicle when all of the following  
7 conditions exist:

8 (a) The person's vehicle is being pursued by a peace  
9 officer's motor vehicle that is exhibiting at least one  
10 lighted red lamp visible from the front and the person  
11 either sees or reasonably should have seen the lamp.

12 (b) The peace officer's motor vehicle is sounding a  
13 siren as may be reasonably necessary.

14 (c) The peace officer's motor vehicle is distinctively  
15 marked.

16 (d) The peace officer's motor vehicle is operated by a  
17 peace officer, as defined in Chapter 4.5 (commencing  
18 with Section 830) of Title 3 of Part 2 of the Penal Code,  
19 and that peace officer is wearing a distinctive uniform.

20 (e) Either of the following:

21 (1) The person continues driving for not less than one  
22 minute past the time that he or she knew or reasonably  
23 should have known when he or she was being pursued by  
24 a peace officer.

25 (2) The person continues driving for not less than one  
26 mile past the point where he or she knew or reasonably  
27 should have known that he or she was being pursued by  
28 a peace officer.

29 SEC. 2. No reimbursement is required by this act  
30 pursuant to Section 6 of Article XIII B of the California  
31 Constitution because the only costs that may be incurred  
32 by a local agency or school district will be incurred  
33 because this act creates a new crime or infraction,

1 eliminates a crime or infraction, or changes the penalty  
2 for a crime or infraction, within the meaning of Section  
3 17556 of the Government Code, or changes the definition  
4 of a crime within the meaning of Section 6 of Article  
5 XIII B of the California Constitution.

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